

United States District Court
Southern District of Texas

Case Number: CA-H-02-495

ATTACHMENT

Description:

- State Court Record State Court Record Continued
 - Administrative Record
 - Document continued - Part _____ of _____
 - Exhibit(s) number(s) / letter(s) _____ F

Other:

Exhibit F

HALVERSON & BEVAN, P.C.

101 SOUTHWESTERN BLVD., SUITE 109
SUGAR LAND, TX 77478
FAX (281) 242-1223

JAYNA HALVERSON, PH.D.
CLINICAL PSYCHOLOGIST
(281) 397-3033

JAY P. BEVAN, PH.D.
CLINICAL PSYCHOLOGIST
(713) 909-0523

PSYCHOLOGICAL EVALUATION

Name: Gary Gates
Melissa Gates

Cause Number: 112,415

Dates of Birth: 7/22/59
5/9/58

Date of Report: 6/22/2000

Background and Referral Information

Gary and Melissa Gates and their family, consisting of the following thirteen children,

Sarah Amanda Gates	1/10/83
Gary Wilton Gates III	5/30/86
George William Gates	2/8/87
Scott Preston Gates	8/21/87
Deroderick Thomas Gates	1/26/89
Travis Glenn Gates	12/14/89
Raquel Virginia Gates	12/7/90
Cynthia Mary Gates	5/17/91
Cassandra Louise Gates	11/12/92
Timothy Joseph Gates	12/5/92
Andrew Jacob Gates	1/22/93
Alexis Suzanna Gates	6/29/94
Marcus Anthony Gates	7/22/95

were referred for psychological evaluation.

In February 2000, Travis was sent to school with food wrappers pinned to the front of his shirt in a plastic bag, as part of his discipline for having stolen food the previous day at his home. Subsequently, a report was made to CPS about concerns about possible emotional and physical abuse. CPS investigated and removed all thirteen children from the home. Judge Thomas Stansbury ordered the children be

Psychological Evaluation

Melissa Gates

Gary Gates

returned to the home subsequently, and the Gates family agreed in mediation to be psychologically evaluated. The current evaluation is the result of that agreement.

Evaluation procedures

- 03/28/00 Interview – Gary and Melissa Gates – 2 hours
- 03/28/00 MMPI-2 Assessment – Gary Gates
- 03/28/00 MCMI-3 Assessment – Gary Gates
- 03/28/00 MMPI-2 Assessment – Melissa Gates
- 03/28/00 MCMI-3 Assessment – Melissa Gates
- 04/06/00 Review of Material
- 04/10/00 Interview – Gary and Melissa Gates – 2 hours
- 04/25/00 Interview – Gary and Melissa Gates – 2 hours
- 05/01/00 Meeting with Keith Bower, Gates' family pastor
- 05/02/00 Visit to Gatesco Property, Meeting with Gary Gates
- 05/11/00 Home Visit – 4 hours
- 05/17/00 Consultation with Mark Wernick, Ph.D.
- 05/18/00 Consultation with Helen Kerlick, LMSW-ACP
- 05/27/00 Home Visit – 3.5 hours
- 06/15/00 Review of Materials
- 06/20/00 Review of Materials
- 06/21/00 Interview – Gary and Melissa Gates

Psychological Evaluation
Melissa Gates
Gary Gates

Results of evaluation

Interview material

Gary Gates is a forty-year-old Caucasian male who is owner of Gatesco, a company that purchases and rehabilitates and then manages apartment complexes. He has been married for eighteen and one-half years to Melissa Gates, a forty-one year old Caucasian female who works as a homemaker. The Gates have two biological children, Sarah, seventeen, who is a special needs child being severely mentally retarded, and Will, thirteen. They have subsequently adopted eleven children to bring their family to its current size of fifteen members.

Initially, at their first interview, the Gates explained to the examiner part of the process they went through as they began adopting children. They noted that in May 1992, Melissa had been pregnant but had gone into premature labor in the fifth month of her pregnancy. Her water broke early and she was kept in the hospital, but the baby was born far too early. He was placed in neonatal intensive care and efforts were made to save him, but the baby subsequently died. Gary noted that this was their third or fourth miscarriage by that time.

Approximately a week later they were offered through an attorney an opportunity to adopt a baby. The Gates helped support the mother and subsequently adopted the baby, which was Cassie. During this time they spoke to other women also and found that Timothy Joseph (T.J.) had also been born early and was in the same ICU where their own son had been held and subsequently found out about another situation where a baby had become available. In about three months, they succeeded in adopting three children, Cassie, T.J. and Andy.

About a year later, as they had kept in contact with T.J.'s mother who was quite poor and had several children, they were subsequently able to adopt Cynthia and George from her.

In 1995, they were called by Andy's mother who was pregnant again and in jail. Gary wanted to adopt this baby, but Melissa had concerns as at that point she had three two year olds in her home. They eventually agreed, however, to adopt Marcus Anthony. Gary noted that he was born on Gary's birthday, and they had bought a bottle on the way to the hospital that coincidentally had the name Anthony on it.

The Gates explained to the examiner that adopting the children came to feel like their mission, what God has led them to do.

At this point, the Gates decided not to adopt any more babies, however, reasoning that the babies are more easily adopted. They went to the Texas Department of Protective and Regulatory Services and looked through children in foster

Psychological Evaluation

Melissa Gates

Gary Gates

care for the possibility of adopting some older children. A social study was done at that time by Robbie Hembry and the family subsequently adopted the sibling group of Raquel, Travis, Deroderick, and Scott. Alexis also came into their home around that same time, from a woman who worked with Gary and could not seem to bond with Alexis, even though she had attempted to adopt her herself.

The Gates noted that Helen Kerlick had done three previous social studies for the adoptions and is doing another one currently because of the CPS investigation.

The Gates subsequently explained to the examiner issues as they perceived them with Travis. They described Travis as having attachment issues, and having a history of stealing and hoarding food. They note that he has been watched constantly as he is quite obsessive and will eat out of the trash, off of the floor, from under tables, etc. They note that they need to maintain a highly structured environment to protect Travis, including locking the pantry and kitchen doors.

The Gates noted that Travis was displaying out-of-control stealing at school. He would tend to deny everything until he was confronted with the truth and shown evidence. He was attaining Ds and Fs in school, and the Gates eventually convinced the District to put a full-time compliance monitor on him. They noted that they had sought treatment through Dr. Ernest Kendrick who had attempted treatment with Prozac. They noted that this treatment did not seem to be very helpful to Travis. They subsequently called their adoption worker through Depelchin who was aware of the difficulties they were having with Travis and put them in touch with post-adopt services who referred the family to Dr. Mark Wernick. They saw Dr. Wernick initially approximately one and one-half years ago.

Subsequent to their initial contact with Dr. Wernick and his evaluation and initiation of therapy, Dr. Wernick also aided them in working with the school to place Travis in a highly structured setting at Dickinson Elementary in Greatwood. He was on a special bus and overall seemed to be doing well in that program; they noted that Travis did not seem as depressed as previously. His behavior became under control at school and at home, and he tended to not get in so much trouble. They noted that his grades had increased from being in the 60's to his obtaining a spot on the A/B honor roll this year, and they noted they had also provided Travis with tutors at home.

Gary stated that he had been in conflict with school personnel about whether or not Travis should take the TAAS test this year. The school recommended that he be ruled ineligible for the TAAS, but Gary stated that he wanted him to be able to take it and noted that this conflict has created a lot of tension between himself and school personnel.

The Gates related that on February 10, 2000, Travis was found in the attic of their home with fig bars that he had stolen from the kitchen. There were two boxes of

sychological Evaluation

Melissa Gates

Gary Gates

twenty-four Fig Newton's each in the attic, and he had also eaten several veggie burgers. The Gates noted that the children are responsible for telling their father when they have done something wrong at the beginning of dinner together every night. Gary usually asks a question such as, "Are all hearts clear?" Gary confronted Travis when he did not tell what he had done, and Travis subsequently told them that he had climbed out of his window, climbed down and in and out of the kitchen window. Gary demanded that Travis show him exactly what he had done, being quite concerned that he had climbed out of a third floor window, and said that he kicked Travis with the side of his foot on his "buttocks to get him moving". Travis subsequently demonstrated that he had actually come down the stairs in the interior of the home and gone out the living room window to gain access to the kitchen window. The Gates then went to the attic to find wrappers and also found a box of matches that Travis subsequently admitted he had lit in the attic. Gary stated he was very angry and scared by this, being concerned that Travis could have easily started a fire, and picked Travis up, putting him against the wall, and told him to start running up and down the stairs as a consequence for his misbehaviors.

While the family was searching for empty Fig Newton wrappers, they also found four to five wet diapers in the attic. Travis and some of the other children wet beds at night and wear diapers to prevent soiling the sheets. The Gates noted that the children are to simply write down whether their diaper is wet or dry, and put it in the trash, and there are no consequences or problems from them wetting the bed. They also noted that Travis had had previous hygiene issues with smearing his feces. They noted they had gone to the diapers because the children would wet the beds, not tell anyone, the smell would increase, and the children would sleep in wet beds. They also noted that Travis would sometimes put on wet diapers and wear them again too. Part of his consequence for the Gates finding the wet diapers in the attic was that he had to carry a bag holding the wet diapers as he ran up and down the stairs. Travis subsequently was told to do his spelling words and was sent to bed.

Gary subsequently had the idea of putting Fig Newton wrappers on Travis' shirt as a possible consequence for this misbehavior. He noted that Travis is on a special bus and with a special class so that he is not around all of the children at Dickinson Elementary. When Gary told him this was going to be his consequence, Travis cried. This was one of the first times that the Gates had ever seen Travis display any emotion at all, and they were pleased to see that he showed some degree of emotional response. The Gates also noted that Travis had plenty to eat that day, including the veggie burgers and the Fig Newton's, so that he did not require dinner that night.

Gary noted that he was called by a CPS worker after Travis had gone to school that day who requested that he come to the CPS office for an interview. He had a brief interview with the CPS worker who then asked him to wait while she staffed the situation with her supervisor. He noted that he waited for almost two hours in the waiting area but subsequently received a call from home that CPS workers were at his

'sychological Evaluation

Melissa Gates

Gary Gates

house. He immediately went to his home and told the CPS workers that he did not want them there. He noted they would not tape the interviews they were conducting with the children or allow his pastor to monitor the interviews, and Gary was told by a Deputy Sheriff to wait in his living room.

The Gates noted that the children were interviewed over the next two hours and they kept him apart from his children, as well as from his wife. They finally allowed him to see the children and he then settled them down in front of a movie.

Subsequently, CPS workers returned to the home and stated they were taking the children out of the home. The Gates were not allowed to hug them good-bye. Sarah cried for her special doll, "Woody", but the CPS workers would not let her get it. The Gates cried as they described this obviously traumatic experience.

Gary noted that the charges that CPS was most concerned about seemed to be hitting Travis in the stomach which Gary described as patting his distended stomach after he had overeaten, kicking him, which has previously been described, and bizarre punishment, like requiring Travis to run. Other concerns included his use of ipecac syrup, after the children would overeat or had eaten out of the trash can or out of the yard, cayenne pepper on their food as a consequence for stealing food or eating things out of the yard, emotional abuse because of the bag of wrappers on Travis' shirt, and the use of handcuffs. Gary reported that he does some volunteer work with prisoners and was concerned about Travis' behavior of stealing and the growing issue of children being tried as adults in our society. He decided to show Travis what it was like to lose his freedom and put some toy handcuffs on him. He stated that the handcuffs were left on for ten to fifteen minutes during a discussion of these issues. Gary noted that CPS told him that they took the children out of the home because they felt the children would be at risk – that Gary would be upset and would take it out on them. Gary noted that the children were removed from the home on a Friday night, there was an emergency hearing Monday morning, and Judge Stansbury ordered the children home that evening.

At their next interview, the Gates were asked about their attempts to obtain treatment for issues with their children. They noted that they initially saw Dr. Lewis, a psychiatrist with the University of Texas, when Sarah was about six years old. They had seen her approximately every two months since that time concerning Sarah's development and any concerns that they would develop about her behavior. Dr. Lewis had also become more aware recently of Travis' issues and evaluated him and began treating him with Adderall for his attention span and also to curb his appetite. They noted that this had made a tremendous difference in Travis' behavior.

As noted previously, the Gates had sought treatment through Dr. Kendrick. Dr. Nell Schwartz, a Clinical Psychologist, had also done some testing on Travis. They had some concerns about the treatment recommended by Drs. Schwartz and Kendrick, but

noted they had also had taken Deroderick and Scott, who had previously been on Ritalin, but were subsequently taken off.

Also as noted previously, the Gates sought out treatment through Dr. Wernick. They subsequently met with Dr. Wernick for about six months and noted that Dr. Wernick had helped facilitate Travis' entry into the structured program at his school. The Gates and Dr. Wernick agreed together that holding therapy was not working as effectively as they had hoped at meeting Travis' needs. Although they agreed with Dr. Wernick that Travis clearly has attachment issues, they also noted that Travis is not aggressive like other attachment problem children are. The Gates noted that Travis did better with his behavior with the increased control of the environment at home and at school. They kept in touch with Dr. Wernick, but did not see him any longer after that time. They again reiterated that Travis had previously been treated with Prozac by Dr. Kendrick for his depression, but they noted that this did not seem to help very much. This medication was subsequently stopped, but they also gave him St. John's Wort, which seemed to help Travis some. The Gates said, "We were controlling it, not helping him with it a lot. It was good for the family to have a breather from the tension that had built up. We had talked about maybe starting therapy back up when CPS descended. The blessing here is that all of this got us in with Dr. Lewis, and Travis is doing very well now." Again, the Gates noted, "We knew we were just controlling it – there were still occasional problems. His impulse control had gotten some better, though, too. The Adderall makes him a different kid now – we even have set him up some and he hasn't done anything."

Melissa noted, "He'd scared us – with the matches in the attic and the potential climbing out of the window upstairs. We got angry but not out of control – Gary doesn't lose it like that." She noted there had been a fire in Travis' birth home and that he would sometimes talk about this. They noted there had been perhaps one other incident with matches with Travis previously. The Gates tend to see Travis as having been damaged psychologically early on in his life, and note that he may always struggle with these issues. They do relate that they perceive him as having made some progress in their care, in that he is more honest, and currently does express some feelings of remorse. Gary says that he is generally conservative with medications and expressed concern that the school district may have felt that they were denying Travis treatment because he was not on any medication. He did note that he is doing better now with the Adderall medication. Gary stated his belief in punishment being restitution and working through – saying, "Then it's over and we can move on."

Melissa was then asked to relate her recollections of the incident leading up to the CPS involvement. She noted that their nanny and housekeeper were home and she (Melissa) got home a little later. The nanny watched Travis walk to the house, because they had had some problems with Travis running away previously. "Bertha thought he was acting funny so she watched him go to the attic and bring something out. She caught him in his room with the veggie burgers and the Fig Newton box. She

'sychological Evaluation

Melissa Gates

Gary Gates

brought this down and he did his homework." Melissa noted that she got home and Bertha showed her the things that she had caught Travis with. Melissa subsequently fixed supper and waited until Gary came home to deal with this.

When Gary got home, Melissa showed him the things that had been found in Travis' room. As she described the events of that evening, she drew a picture for the examiner of the dining room table and the layout. She noted at the beginning of the meal Gary asked if everyone's hearts were clear. When no one responded, Gary patted Travis on the stomach and told him he thought he had something he needed to share. Travis admitted that he did. Gary pulled his small chair out from under him, grabbed him by the shirt and arm, and put him up against the wall to get his attention. Melissa subsequently showed the examiner physically how this was done. Gary told Travis to tell him what he had done and to tell him how he had done it. He then told him to show how he had done it and pushed him out the door to get him moving. Travis subsequently came back in to show which window he went out of, and Melissa noted this is a routine part of their discipline to make the children reenact things to show them exactly what they had done. She noted that Gary pushed Travis a couple of times to hurry him up. He subsequently told Travis and the older boys to get upstairs and look for wrappers. The boys found wet diapers and wrappers in the attic and Melissa was the one who found the box of matches. When Travis was confronted about the matches, "he owned up to lighting them and throwing them into the insulation. This scared both of us. We told him it was foolish and Gary told him to run the stairs. The boys put the diapers in a bag and he ran the stairs with them." Melissa noted that the family finished supper and by that time Travis had stopped and was sent to help the little boys get ready for bed, which is one of his regular chores.

Subsequently, Melissa noted that Gary came up with the idea of the wrappers for school and showed it to Travis who subsequently started to cry. Melissa said she saw this and it was the only time she had ever seen Travis really cry. She said she felt excited because she felt they had finally reached him. She noted that she and Gary had discussed this option fully later and she gave her full blessing.

The Gates were asked if they would do anything different in this situation, looking back on it now. Melissa stated that when Gary puts the older children against the wall to talk with them, this looks scarier to the little children than she had previously thought. Gary stated, "I would probably rethink sending him to school with wrappers. He violently violated the trust we have been building with him. That was very upsetting to me. If the school had called me and said, 'We don't think this is right' – I likely would have backed off. One wrapper on his shirt could have accomplished the same thing, maybe a little shame or some awareness in him."

At their next interview, the affidavit that was filed by CPS workers with the court was reviewed and specific incidents from the affidavit were discussed with the Gates. Gary noted that he weighs the children two times per year as usual. He noted that he

sometimes weighed Travis after he would gorge on food, stating that if Travis denied overeating, sometimes weighing was the only way to check on the truthfulness of his report. He denied weighing Travis every day and denied that he had an ideal weight in mind for Travis. He noted that the exercise consequence is not tied to Travis' weight.

As to the notion that the Gates had been refusing medical treatment for Travis, Gary noted that Dr. Wernick was at the ARD meeting to enable Travis to get into the special program at the school. He noted that the reports from Dr. Kendrick and Dr. Schwartz are at the school and stated the school had plenty of evidence in their file that Travis had seen several doctors. It is possible that the change in schools for Travis was an issue, in that teachers at Huggins Elementary where he had been attending were more familiar with Travis and the Gates family than teachers at Dickinson, the new school.

The Gates also wondered whether there might be racial issues involved in this matter, stating they had run up against prejudice before against whites adopting Blacks. The Gates stated they were one of the first families allowed to do this, after a recent Texas Supreme Court ruling. They also noted that there is, at times, prejudice against larger families.

Asked about the notion that children are denied seconds at mealtimes, Melissa stated that with thirteen children she has to cook large quantities of food. She noted that everyone has to eat everything that is provided on their plate and that the older ones self-manage what they can put on their plate. With the younger children, she or Gary will give them what they feel are appropriate portions. "Travis can't self-regulate – he would take seconds and thirds, etc., so we really need to regulate this." Melissa noted that food has been an issue for a lot of the kids they have adopted, but it has especially been an issue for Travis. She noted that Marcus, especially, needs more food, so he gets additional portions.

When the children were returned to their home on Monday, they stated there was nothing showing on the hand that Travis allegedly had a wound on. He was taken to see his pediatrician, Dr. Bornstein, who also did not see any injury. They speculated that perhaps he had burned his hand with the matches or was cut going out the window, but noted that he had never mentioned it to Melissa either that evening or the next morning. As has already been discussed, Gary admitted kicking Travis in the rear end and pushing him to get him moving in his demonstration of exactly what he had done and how he had done it. They also noted that Travis had a history of being a very good story teller. They told a story about how he took off on his bike once during the summertime and eventually told someone that his parents were killed in a car wreck and he was hungry. This family subsequently called the Sheriff's Department. Travis had them all convinced and the Sheriff's Department investigated for a possible fatality. "He sold the story to them – he didn't know his name or number because he didn't want his story checked. This was maybe a couple of years ago. He got a lot of food out of

it." They noted that Travis does not think about consequences, tends to be tricky and manipulative and lies easily without even thinking about it. They noted they had some concern that there was candy provided for Travis in the interview room at the Children's Assessment Center.

The Gates noted that teasing among the children is not encouraged or allowed, but does occur at times. They noted especially that the younger three have difficulties with teasing at times. "T.J. especially can tell tales with a straight face and is also pretty immature. He said something to Dr. Wernick about an alligator eating someone. Usually if Melissa glares at them at these times, the behaviors stop. T.J. tattles on others a lot, too, and this may be a developmental issue. T.J. is seven, but not developmentally." The Gates noted that his report to CPS seemed very exaggerated and seemed like he was telling tales and was also unconfirmed by the older boys' reports.

Melissa noted that she pops the little children with a belt, because it hurts her joints to spank them. Gary stated that he uses a belt and just uses one pop to get the small children's attention, mainly with Marcus, Alexis, and Andy. They noted that they had given permission at Huggins to use a paddle on the children and that dad used one at home sometimes, too. Gary stated that once the children are eight they receive no more spankings because they can reason better. Gary notes that it is very important to him to follow up to make sure that his discipline is followed through to the letter – he sometimes has the other children check on the discipline or count the results if they have to move things as discipline.

The Gates noted that the consequences for older children generally are to write. Gary also like them to give a speech about the issue to the family. Gary stated they talk with them about normal teenage issues, but also demand respect. They talk with the older children about the younger children watching what they do and learning from it.

The Gates perceive Raquel as being fairly insecure, and that was why perhaps Gary putting the boys against the wall affected her more. Melissa noted again that the little ones especially seem to be more scared by this. Gary stated again that he puts the boys against the wall to get their attention when they are talking back, and not listening.

Several more incidents of behavior that had come up with the children over time and the Gates' response in discipline situations were discussed in some detail. He noted again that the purpose of his discipline is to teach responsibility and good decision making and notes that he spends time making the relationship better again after the discipline and said that when the discipline is over, it is over and the incidents are not mentioned any further.

Melissa Gates

Gary Gates

Upon Gary's invitation to "get to know another side of me", the examiner visited with Gary at an apartment complex he owns. Gary introduced the examiner to several of his staff and discussed his business as the property was toured and we viewed several units in varying states of rehabilitation, including some that were completed. During the tour and subsequently Gary mainly shared with the examiner his business practices and beliefs.

Gary did talk some about his long-range plans for the children. His plan is to have available several opportunities for one or more of them to work, like running the laundries at his complexes, doing landscaping, or running the cows on the property they own. He noted that he would like to have these opportunities available should one or more of the children choose to take advantage of them as they grow older.

The next contact with the Gates family was during the first home visit. The examiner arrived at the Gates family home on a school afternoon and visited through and after dinner time. The examiner passed a couple of children on the long driveway leading to the Gates home and met several more children as soon as he arrived at the house. Travis almost immediately told the examiner, "CPS came and took us away – it scared me – I didn't like that. The family I stayed with was mean." All children that were met initially were very polite and appropriate, with some even introducing themselves to the examiner.

Marcus especially was fairly wild with his behavior initially and tested limits with the examiner several times. He stopped when limits were set fairly firmly. Several of the children showed off some of the skills for the examiner, by climbing trees and reading. Several showed the examiner running plaques and trophies they had gained from their performance in local road races, including several from the District Attorney's Fun Runs that are held in Richmond every year. Most of the trophies were for first and second place finishes in their respective age groups. Some of the girls showed me the room they stayed in, along with some of the mother's day gifts they had prepared for Melissa. The boys subsequently showed me their rooms on the second and third floor, with Travis showing off several of his stuffed animals. The children then gradually filtered out to play. The examiner subsequently met Sarah, Scott, George and Will. Gary came home from work a little bit early, given that the examiner was visiting. The examiner observed Will talking to his parents some about his classes for next year. Travis showed his point sheet for the day with all plusses for his behaviors and later talked to his father about it. Other children showed their weekly folders, their TAAS test scores, and their A/B honor roll ribbon. The children did not have homework that particular day because it was the start of a three day weekend and they did not have school the next day. Subsequently, two high school girls came to the home to play with the children, and they said they usually help the children with their homework also. The children organized a baseball game in the front yard and the younger ones played on the porch or around the house. At one point some children got a little wild with their play upstairs and Melissa suggested they go play outside, which they did.

At dinner, Travis led the prayer, and included giving thanks for the examiner and the two high school girls being there with the family. Dinner consisted of red beans and rice, croissants, pickled okra, and water. There was apple pie and ice cream for dessert, and overall it was a fairly quiet dinner.

Gary had gotten on Andy early for jumping around in his room. He also later called Andy down for bothering his neighbor's and reading a book at dinner. Gary would raise his voice and Andy would stop the behavior. Melissa would say something quietly occasionally to one of the children and they would stop being rambunctious or something. A conversation was held with the older boys during dinner about the Astros, their ski trip, their summer, and Will's birds. The girls had set the table and the boys subsequently cleared and cleaned. All cooperated with this very well.

T. J. later poked his head in the door claiming that a black snake was outside. Gary sent Deroderick out to check, commenting "He's a story teller." Melissa stated she had just recently purchased a new black hose and that likely was the black snake.

After the clean-up from dinner, the examiner accompanied the family to the parcel of land they had purchased for the site of their new home. The land was toured and the plans for the land were discussed. Home construction was just being started, a lake with a swimming beach was being dug, and the layout for a horse arena was also started. The children ran and romped over the land while the adults talked.

The examiner did not observe any fighting during this entire four-hour period between any of the children. There was some play fighting that occurred, but this stayed play. The older children regularly took responsibility or were given responsibility for the younger children. All of the children were unfailingly polite. Marcus and Andy needed the most structuring of their behavior. The children overall seemed fairly independent. There was not a lot of bugging mom and dad, either before dinner in the kitchen or after the dishes were cleared. The examiner sat and talked with Melissa and Gary for probably fifteen or twenty minutes after dinner with barely an interruption from the children. Melissa remained very calm and emotionally even throughout the afternoon and evening. Some of the kids would come to her and report on other children and she would tend to talk with them very calmly. Toward the end of the visit someone told her that Travis had thrown something out of the back of the pick-up truck he was sitting in. She initially got up to get it, but then told him to get it.

Gary showed the examiner a magazine about iron man triathlons and talked about planning to run one in Korea in July and how he would take several of the older boys with him along on the trip.

The examiner did not observe a lot of physical affection expressed in the home, but there was certainly a very strong sense of organization, security, structure, and safety. The atmosphere was calm. There was lots of independent functioning

Melissa Gates

Gary Gates

observed, but there was good cooperation, and when it was time for something to happen, it did – everyone could move together to dinner or to cars for the trip to the land without it taking a very long time at all. All of the children were obviously proud of their physical and academic accomplishments. It was noted that a high degree of firm structure would likely be needed for this many children.

The examiner was able to observe the locks that had been installed on the kitchen doors and cabinets.

A subsequent home visit was held on a Saturday morning for approximately three and one-half hours. The examiner arrived at about 9 a.m. and was greeted again at his car by several of the children who told about swimming at their new lake and that their power had been cut by a snake becoming entangled in the power lines. The older children and Gary were returning from bike rides at this point and Gary then sent them out in stages for their family run. The younger ones left first and gradually the older ones went in stages. Gary went last. The distance that was run was approximately 2.5 miles out and 2.5 miles back. As Gary would catch up with the younger children, he would have them turn back before the entire distance was covered. The older boys went the full distance and some started back together, but he and George ran together back last. Gary and George caught almost everyone else on the way back. Gary then subsequently ran back with Andy who was the slowest that day. Once the children were back at home, Gary had the youngest three run to the mail box and back several times. He then organized relay races with three teams and a tug of war with two teams. All of the children were observed to participate actively, willingly, and at times excitedly in all of these activities. Gary made sure they were all drinking water on this hot, humid morning. All of the children were obviously well conditioned.

The children then ate breakfast which they mostly got for themselves. They then got cleaned up and the examiner began interviewing small groups of them, mostly by their bedroom placement.

T.J., Andy, and Marcus were interviewed in their bedroom. Andy was largely the best reporter, as T. J. and Marcus were distracted and followed the examiner's questions less well. Andy related that his father mainly did the discipline at home. He stated he has to carry boards or sit on the wall when he is disciplined. He noted that his father gets mad, sometimes, when he disciplines, and gave the example that Gary had been angry at him that he was not sitting on the wall right and had yelled at him. Asked if he was afraid of his father, Andy said, "Yes". Asked if he was afraid that his father would hurt him, Andy said, "No". Marcus stated he gets spanked sometimes. T. J. said that he didn't have to carry boards. Neither of these two boys indicated any particular fear of their father.

Will, Travis, and Deroderick were next interviewed in their room. They noted also that their father mainly disciplines them and stated they have to run stairs or write

sometimes. Will says he sometimes tries to avoid the writing and occasionally his father will forget that he has told him to do that. Will stated his father yells when he is mad but gets quiet when he is really mad. Will noted that he stays away from his father then, and Deroderick says he does too. Will stated he talks to his friends and friend's parents when he has issues that he doesn't feel comfortable discussing with his parents. All three boys indicated some fear of their father's anger but no fear that he would ever hurt anyone.

Scott and George were then interviewed in their room. They also noted that Gary mainly does the discipline but neither stated any particular fears of him. They stated Gary mainly makes them write things, with George mentioning that running stairs and carrying boards has not happened for a long time. They stated that both Melissa and Gary make them write, but neither could recall the last time they were in particular trouble. They stated they had no fear of their father hurting them and they feel safe in their home.

Alexis, Raquel, Cassie, and Cynthia were interviewed in their room. They noted that their dad mainly disciplines. They stated he yells and gets angry sometimes. They said they have some fear of him, which Alexis describes as a "startle kind of fear" to the loudness of his voice. The other girls seem to confirm this impression. None of them described having any fear of their father hurting them and all stated clearly that they feel safe at home with their father. The girls again showed the examiner several school awards and by looking at their picture yearbook, demonstrated that they know the names of the majority of children in their entire school.

Again, the examiner's overall perception of the household running for this period of several hours was that it was very organized, purposeful, and structured. Gary and Melissa both remained calm, but structured and guided the children as needed. Toward the end of this visit Gary and Melissa updated the examiner about some school issues with the children for approximately fifteen to twenty minutes. The children were outside playing and needed several reminders to stay outside, and these reminders were given calmly and clearly. At one point, Scott very excitedly reported that there was a bee on Deroderick and Melissa told him to calm down. Her focus seems to be on calm, emotionally even coping with situations that arise with the children.

It was noted that several children readily admitted to fear of their father. This fear seemed centered mostly around his loud voice at times, the punishments he imposes, and his general level of intensity. This fear strikes the examiner as mostly being about respect – in that it is clear that Gary is in charge and needs to be respected. This enables generally calm, control and structure to exist in this very large family the majority of the time. Not one of the children stated having any fear for their physical safety or for the safety of their siblings. It was also noted that the running and physical activities provide a good discipline for the children and a great self-esteem and confidence booster. It was good natured competition that seemed good for the entire

Melissa Gates

Gary Gates

family, with even Melissa stating that she liked to compete with Gary at the tug-of-war. Competitiveness obviously exists among the children, of course, with somewhat of a "pecking order" established among the children. There was certainly evident a great deal of encouragement and praise utilized with the children for appropriate and positive behaviors.

The next interview was held with the Rev. Keith Bower, who is the Gates family pastor. Mr. Bower noted that he had started at the church approximately ten years ago and Gary and Melissa had joined approximately five years ago. He had been in a fellowship group together with them at that time and got to know them fairly well during the adoption of the four children sibling group. He noted that the Gates had deliberately adopted hard-to-adopt kids. He noted that most of the Gates adoptions were babies, but that these four weren't commenting, "They came with wounds, new challenges."

Mr. Bower noted Gary's determination to have Travis and Scott mainstreamed before middle school stating this is why he was so determined that they be able to take the TAAS test.

Mr. Bower stated, "I was there on the 11th – what happened that night was really unnecessary. CPS knew a lot about the eating disorder of Travis, yet maintained that Gary hadn't sought help – when they obviously had read school documents that included reports from doctors that he had sought out. They knew nothing at all about Sarah's needs. So someone painted an unpleasant picture, leaving out important positive details." He stated that he felt that CPS had investigated reasonably, based on the concerns they had heard.

Mr. Bower noted that he had been seeing the kids two to three times a week and Gary once a week since the mediation agreement was entered into. He noted that the kids are doing very well but several of them had expressed concerns to him about CPS and CASA workers and had expressed fears about being taken away from their parents again. He noted that Andy had some nightmares for a time and that T.J. had been afraid for his parents to leave.

Rev. Bower noted that he had not had much contact with CASA since the mediated agreement, stating he felt this was because CASA was aware that the children were okay in the home environment.

"To suggest that they are abusive parents is absurd. All of our church members have seen it – they take in kids who are scared and all and then just watch them blossom over time. They have a lot of confidence. They are not afraid. This is not an abusive household." He noted that the pediatrician is Dr. Michael Bornstein who he states is very attuned to issues of abuse and has never had any concerns about the family. He noted that the Gates have taken parenting classes and had talked to him even before all of this had come up through their involvement with the church.

Psychological Evaluation

Melissa Gates

Gary Gates

An extended consultation was held with Dr. Mark Wernick who, as noted previously, had treated the family for some time. He stated the family initially contacted him in December 1998 and during the initial history taking he was impressed by the Gates level of maturity, energy, and commitment to their children. During a parenting presentation that he routinely makes to families in his care, Dr. Wernick reported that he was impressed about Gary's position about the necessity of sacrifice as a parent. He noted that Gary takes the parental role very seriously. He stated that in his professional practice he does not see this level of commitment very often, especially from a father. Dr. Wernick stated his belief that the Gates overall have good parenting skills, and stated the main issue at the time they contacted him was Travis' eating problem and his habit of stealing food.

Dr. Wernick initiated attachment oriented therapy with the family for several sessions. He noted that his initial diagnosis for Travis was that he had an Attachment Disorder and also Bulimia, non-purging type, and perhaps a Post Traumatic Stress Disorder. He noted a concern about potential physiological basis for his overeating and recommended to the family that they have a glucose tolerance test done. Dr. Wernick noted that he subsequently attended an ARD meeting at the school in which a new, more structured placement for Travis was arranged. Between that and twenty-four hour monitoring of him at home, he related that the family felt less pressed and less in crisis to come for therapy, or to follow through with the glucose tolerance test. Dr. Wernick related that he did not hear from the Gates for some period of time but then received a follow-up call from them approximately seven months later. Gary stated at that point they should resume the sessions, although Dr. Wernick could not recall the exact reason why he said this. They had not done the glucose tolerance test, stating they had some difficulty finding anyone to do it. Dr. Wernick noted he did not hear from the Gates again after that until after the CPS intervention.

Dr. Wernick stated he was not concerned about the lack of continued treatment during this time. Travis' behavior was under control and the Gates felt less motivated for treatment. Dr. Wernick stated his belief that this was a fairly normal reaction from parents in this situation. He stated clearly that this lapse in treatment did not go against any opinion or recommendation that he had given them. He noted they did try to get the glucose test done and they have accomplished it since all of this recently has occurred. Dr. Wernick stated he had never developed any concern about Gary's ability to manage or control his anger.

Dr. Wernick subsequently did a home visit and also interacted with the children. He noted the children expressed some fear of their father's punishments and a desire to avoid having to experience them. He noted during the most recent holding session with Travis, at the end of the session he would not kiss Melissa, but he did kiss Gary. In some way, Travis seems more bonded to Gary than Melissa.

Melissa Gates

Gary Gates

Dr. Wernick did not see religious factors in the Gates family affecting the therapeutic work at all. The family told him they saw their beliefs as providing them the strength to adopt and part of what they have to offer these children.

The "wrappers on shirt" discipline technique was discussed next with Dr. Wernick. Dr. Wernick stated he felt this was consistent with what he perceives to be Gary's creative approach to parenting. He said that it did cross his mind that it could be seen as excessive or shaming and subsequently recommended to Gary that he coordinate with the school when he plans that extreme an intervention, and noted that Gary did send a note along to the school the day he used that discipline technique. Dr. Wernick subsequently consulted with an eating disorder specialist who felt like the intervention was inappropriate and too shaming. Travis had already experienced struggles with shame, as evidence by the sneakiness and hiding the evidence. Dr. Wernick's concern, however, is that the attachment issues were not considered enough in this analysis – that Travis' avoidance may not be shame based, but rather avoiding punishment. He noted Travis' tendency to not have emotional reactions to things. He also stated that, as the Gates noted, they did get an emotional reaction from him when he was told about the wrappers and this was one of the reasons they went ahead and did it. They were trying to induce shame and an emotional reaction, and Dr. Wernick felt that this approach was not abusive.

Since the CPS intervention, Dr. Wernick noted that he had resumed family visits with the family. He restated that he has not experienced the family at all being resistant to treatment or recommendations.

Dr. Wernick expressed concern about several of the children's reactions to the CPS intervention. He stated that Deroderick had told him that his foster mother had told him that they would likely not be going home, or if they did, their father would not want them and would put them in a shelter. Raquel and Scott also heard this and said it scared them. He said the Gates had told him one of the children had nightmares when he was first brought home.

Alexis told Dr. Wernick that it made her sad and she missed her mom and dad. George told him that he was mostly mad – that CPS tried to tell him that they were his friends and buddies, but then took him away from his parents. He stated, "But I always knew our dad would fight for us and get us back." T.J. cried, according to his siblings, along with Marcus. Travis said he was sad and scared, but was reassured somewhat by George. Cassie said she was sad and the bars in the van they traveled in scared her. Cynthia said she was sad because the foster parents were mean to them and they missed their mom and dad. They initially told her she could call her siblings but then subsequently would not let her call the siblings. She also expressed concern that CPS might take them away again. George stated to Dr. Wernick, "My father was crying and the policeman said to him, 'Are you going to put on a show or hurry up and say goodbye to your kids so we can hurry up and get them out of here?'" Will told Dr.

Psychological Evaluation

Melissa Gates

Gary Gates

Wernick that CPS said they were taking them away because some of the younger kids said they were scared of daddy.

A subsequent consultation was held with Helen Kerlick, who is the social worker that has provided three previous social studies, as well as a current social study with the Gates family. Ms. Kerlick noted she had first seen the Gates family when they lived in Houston. She noted that Gary overall seemed somewhat private and a little suspicious of authority. She noted that Gary's father was killed by his second wife and that this was a traumatic experience for Gary. She stated his father was in the Air Force for years and years and he received somewhat rigid discipline at the hands of his father. He apparently did not receive much praise as a child, and his parents were subsequently divorced.

Ms. Kerlick noted that Gary had been involved with teachers and principals at all of the children's schools because of his adamant stand of having equality for these children. She noted the teachers had reported to her that Travis was very unattached and had few feelings. She noted again that Travis had cried when he was confronted with the evidence of his wrong doing and that Travis did not want to talk with her about this episode at all. Ms. Kerlick stated her belief that at the moment they saw evidence of feelings and attachment with Travis the Gates went ahead and used the wrappers rather than "loving on him". She was concerned that they perhaps had not had enough concern about his going out the window, but she still seemed to be under the impression that it was a third floor window that he had gone out of. When Ms. Kerlick talked with school personnel about why they did not check with Mr. Gates if they had concerns about his discipline techniques, she was told that they did not feel it would do any good because of their impression of Mr. Gates being uncooperative with them.

Ms. Kerlick shared her impression of T.J. as also being a story teller and trying to get in the good graces of people by saying what he thinks others want to hear. She noted, as have several others, that Travis is doing much better recently. She has experienced Gary as being very open to input from professionals, and noted that the school people she had interviewed agreed with this assessment. He did not appear to be some sort of a control freak. Ms. Kerlick has never had any concerns about abuse occurring at the Gates household. Given that she has assessed the family situation on several previous occasions and currently, her impression about this is an important one to keep in mind.

The final interview session was held with the Gates parents to discuss some final issues. Discipline techniques in general were described and discussed in more detail. One thing that impressed the examiner as a part of this discussion was that Gary generally seems to perceive each child as an individual with individual needs. He described ways in which Scott needed discipline that was different than what Will or George might need in similar circumstances, for example. The bed wetting issue was discussed more thoroughly and Gary stated that CPS did not know about the history of

Psychological Evaluation

Melissa Gates

Gary Gates

the children, stating that the children wet the bed before they were adopted by the Gates family. We discussed the general issue of how to handle the wetting, and the Gates stated that they did not use any techniques designed to embarrass the children, and that teasing about this was not tolerated within the household. They described their efforts to teach taking responsibility for the problem, but not punishing for this particular problem, since it is out of the child's control.

Review of Materials

Multiple documents and information was reviewed as a part of this evaluation process. Many of these documents were letters back and forth between the Gates family and TDPRS concerning the current case. The mediation agreement was reviewed, as well as the affidavit filed with the court by CPS. The Gates family was featured in a *Houston Chronicle* article on December 25, 1997, and this was reviewed. Three previous social studies completed by Helen Kerlick on the family were also reviewed. CPS informed the examiner at one point that they had documentation about the four children sibling group that they would provide to the examiner as a part of this evaluation process, including previous psychological testing and the social study that was done at that time, which was not done by Ms. Kerlick. Although CPS later provided the examiner with a copy of the case file on Melissa Gates, this additional information from their files was never provided to the examiner.

The note that Gary sent with Travis to school with the fig bars was reviewed. As this is seen as significant, the contents of the note are included here: "Travis Gates. Attached is a bag of fig bars Travis ate last night and before school. In the middle of the night he went out the window and climbed through the window in the kitchen (all doors to the kitchen are locked at night). He took two big boxes of fig bars and a couple of bags of food (hamburger veggie patties) and ate them throughout the night upstairs in the attic next to his room. This was after his normal dinner and breakfast. It turns out he has done this same thing many times recently and is why he has put on about eight pounds (from 62 pounds to 70 pounds) in the last ten days. We found out what was happened when he was caught eating some of the food he had stashed. A plastic bag of wrappers is what he ate last night only. As a result, he is not allowed to go to any parties and no treats whatsoever. He will be taking his lunch from now on with no snacks until I tell you in writing it has changed. He is not to even bring home any snacks from the Valentine party, as well as not go to the party. Please sign and return this note and send his bag of wrappers so I know you saw this note." The note is signed by Gary Gates who lists his office and mobile number and it is signed by Julie Huntsberger. At the bottom of the note, Gary also wrote, "I want Travis to wear this all day in his class and back home (the bag of wrappers)."

Also reviewed was a therapy story that Melissa had written at the request of Dr. Wernick called "The Boy With the Hole Inside". It is a very sensitively written story that describes her impressions of Travis and his feelings of being empty inside and needing

Psychological Evaluation

Melissa Gates

Gary Gates

to feel these feelings of emptiness with food. The transcript of Travis' interview at the Ft. Bend Children's Assessment Center was reviewed, as well as the current social study that was completed by Helen Kerlick. As noted previously, the materials that were provided to the examiner from CPS consisted of the case file on Melissa Gates. This was also reviewed in detail.

Results of Testing

Both Gary and Melissa were given the Minnesota Multiphasic Personality Inventory-2, along with the Millon Clinical Multiaxial Inventory-3.

Gary's test results on the MMPI-2 suggest that he was somewhat defensive in response to test items. Gary's MMPI-2 profile was within normal limits with a nearly significant elevation being present on a scale that indicated some feelings of other people interfering in his life, not surprisingly given the current circumstances. Gary's MCMI-3 test results suggest that he was attempting to some degree to present a socially acceptable appearance to the examiner. Results also suggest that he has some fairly strong compulsive features to his personality, again not surprising given that he is a tri-athlete.

Melissa's MMPI-2 results suggest that she was somewhat less defensive than Gary in responding to test items. Her scale results are also within normal limits. Her MCMI-3 results suggest that she also was trying to present a desirable front to some extent to the examiner. Results also suggest a very strong compulsive component to her personality, along with a high degree of emotional sensitivity.

Summary and Recommendations

The evaluation findings covered in this report are the result of approximately eighteen and one-half hours of direct contact with this family, in interviews and observations. The examiner also spent three and one-half hours reviewing materials provided by the family and by the Texas Department of Protective and Regulatory Services. He spent two hours consulting with other mental health professionals who have each had extensive contact with the family. He also spent an hour with the family's pastor and has covered the results of psychological testing on Gary and Melissa. Individual testing of all thirteen children was deemed to be impractical and, more importantly, unnecessary.

The Gates family situation is clearly a highly unusual one. This is a large family with multiple adoptions, a broad ethnic mix of children, strong Christian faith and the strong support of a Christian community, and they have a father who is a tri-athlete and an owner of his own business with 200 employees. The uniqueness of this family not only creates unique challenges for them to face, but also unique challenges for the other people and organizations they come in contact with in the community to handle in

Psychological Evaluation
Melissa Gates
Gary Gates

terms of understanding and acceptance. This ground is ripe for misunderstandings, lack of or poor communication, prejudice of various types and rushes to judgment about things that are not well understood.

Gary Gates is a strong, principled man who holds his beliefs strongly and is willing to fight for what he believes is right, perhaps especially for his children. This has also set up the likelihood of conflicts and misunderstandings. I do not see Gary as being so convinced of the correctness of his beliefs that he is rigid and unable to be open to alternative viewpoints. He is erroneously perceived this way by others at times, however. It is a fact of life in human organizations that they want concerned and involved parents, but parents that agree with them and follow their recommendations. They tend to be less able to manage concerned and involved parents that disagree with them, and hold their positions and beliefs, even in the face of that disagreement.

It is also human nature that we tend to pre-judge situations that we do not understand, that are different, or that challenge our world views.

I do not see any evidence of psychopathology in Gary or Melissa Gates. They are strong, principled people who have seen it as their mission to provide a stable home and a Christian upbringing for children who perhaps otherwise could have had a very different experience of childhood. They have taken on special needs children while being fully aware of the consequences of this for them. I have personally never experienced two people who are more dedicated to parenting and so willing to sacrifice of themselves, their time, energy and resources, to be the best parents they can be.

Gary's discipline techniques are unconventional at times. There is no doubt about this. They can be seen, alternatively, as a throw back to the 1800's and discipline styles that emphasized physical discipline, hard work and responsibility; but also as cutting edge, in the sense that he is trying to apply them in situations with special needs children, some of whom have issues with attachment.

Gary views love as being partly expressed through discipline. A large family needs structure and Gary, as the leader of the family, provides it. The results are clear: this is a family with security, safety, organization, a hierarchy, and rules. The children feel safe and secure and the calm orderliness of the family interaction is better than families of my experience with many fewer members.

Gary gets angry at times. There is no doubt about this. Some of his children say they are afraid of him; I believe this fear has to do with respect. They know their father is in charge, they know he will discipline them, they know their behavior has consequences, and they know he will follow through. They know he won't let them down and won't abandon them. They also know that he won't harm them.

Psychological Evaluation
Melissa Gates
Gary Gates

They know he will push them to be the best they can be. These children have gained a great deal of confidence and self-esteem from being physically fit and from winning races. They have confidence in themselves; not from being told they can do things, but because of doing things. They are given chores and responsibilities commensurate with their age and abilities. They will have every opportunity to grow up to be responsible people and citizens.

I do not believe that Gary has a problem controlling his anger. These children are not being and have never been abused. In retrospect, he might not have sent the wrappers to school; but the intent was to teach responsibility through the imposition of consequences. One of the consequences of misbehavior is, or should be, shame; providing our children with appropriate dosages of shame at early ages may help inoculate them against the necessity of experiencing larger doses of it later in life. It also may help them not to grow up like so many young adults today who seem to experience no shame or remorse at all due to their antisocial or inappropriate behaviors.

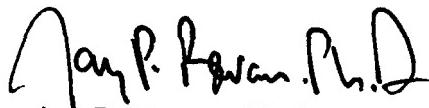
I have emphasized Gary to this point, only because he is the head of this household and the primary disciplinarian. I fully believe, however, that Melissa is even stronger than Gary in many respects and is really the source of much of the authority and power in this family. Her test results also indicate an absence of psychopathology and no issues with anger control. Her calm and relatively laid-back demeanor, however, conceals her great strength and high degree of sensitivity to these children.

Both of these people are creative, caring, very devoted parents. They have an amazing ability to appreciate the individual needs of each of their thirteen children; they understand that each child is unique and needs individualized parenting intervention.

The Gates have availed themselves repeatedly of professional assistance when they deemed it necessary, and have been open to input from these professionals. They derive a remarkable amount of support from their religious beliefs and a tremendous amount of social support from a large and caring Christian community.

I have never said this about anyone I have ever evaluated: I admire the Gates. I would not hesitate to place my own children in their care.

The Gates have no need for CPS or CASA services. They will follow-up with Travis' treatment with Dr. Lewis, Dr. Wernick, and Dr. Mann.



Jay P. Bevan, Ph.D.
Clinical Psychologist